



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: CUTIE, ANTHONY
Serial No.: 09/702,263
Filing Date: 31 October 2000
Docket Number: 540541-2013.1
Title: CORE FORMULATION

COMMISSIONER FOR PATENTS

P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

This is in response to a conference with the examiner on 29 March 2004.

I, Karen J. Messick, Esq., Registration Number 46,256 declare that I am an attorney of record in this application by virtue of the Revocation and Creation of Power of Attorney enclosed herewith, and that I am authorized to execute a terminal disclaimer in behalf for Aeropharm Technology, Inc.

That Aeropharm Technology, Inc. is the assignee of the entire right, title and interest in, to and under U.S. Patent Application Serial Number 09/702,263, filed 31 December 2000 ("the above-captioned application") by virtue of assignment from the inventor, which was recorded on 31 October 2000 at Reel 011270, Frame 0079;

That Aeropharm Technology, Inc. is the assignee of the entire right, title and interest to and under U.S. Patent Number 6,524,621B1, issued 25 February 2003 from U.S. Application Number 09/784,713, filed 15 February 2001 by virtue of assignment from the inventor to Aeropharm Technology, Inc. which was recorded on 10 May 2001 on Reel 011792, Frame 0563;

That Aeropharm Technology, Inc. hereby disclaims the terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,524,621B1, including any extension thereof; and

That Aeropharm Technology, Inc. hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Number 6,524,621B1, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

No terminal part of any patent granted on the above-captioned application is disclaimed prior to the full statutory term (including any extension thereof) of U.S. Patent Number 6,524,621B1 in the event that said patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term (including any extension thereof), except for the separation of legal title stated above.

In accordance with 37 C.F.R. §3.73, the undersigned states that evidentiary documents evidencing the chain of title from the original owner to the assignee have been reviewed and certifies that, to the best of her knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine of imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Accordingly, it is respectfully requested that no double patenting rejection be issued.

Moreover, in view of the instant Terminal Disclaimer, it is respectfully submitted that the present application is in condition for allowance.

Therefore, reconsideration and withdrawal of all rejections and objections to the application and prompt issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

Karen Messick, Esq.
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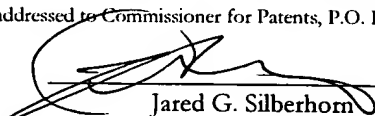
Date: 4/2/04

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that the this correspondence and the enclosures referenced herein are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 CFR § 1.10 on 4/2/04 and is addressed to Commissioner for Patents, P.O. Box

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